

C. REMARKS

In the Office Action of 24 July 2006, Claims 1-19 are again rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,456,981 to *Dejaeger et al.* in view of U.S. Patent No. 6,553,404 to *Stern*. In addition, the Office Action objected to the language added in the Amendment of 6 May 2006 under 35 U.S.C. § 112. In response, the offending language has been deleted and the claims are in better condition for appeal.

The Office Action of 25 July 2006 attempts to buttress the teachings of *Dejaeger* by arguing that U.S. Patent No. 6,553,404 to *Stern* ("*Stern*") "teaches a system that delivers entertainment (i.e. music) and advertising content to commercial outlets from a central system." However, nowhere does the Office Action attempt to justify this combination. In fact, the combination of *Dejaeger* and *Stern* would necessarily result in providing entertainment content to shoppers at a check-out terminal in a grocery or department store. *Dejaeger* specifically teaches the undesirability of this:

"It should be appreciated that the number of questions included in a given retail survey displayed on the marketing portion 22a of the display monitor 22 may be altered based on usage of the self-service checkout terminal 18. For example, during periods of relatively high usage of the self-service checkout terminal 18, the number of questions in a given retail survey may be reduced in order to enhance throughput through the terminal 18."

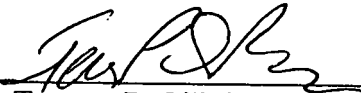
(*Dejaeger* Column 11, lines 40-47). If the number of survey questions could damage throughput through the checkout terminal it is difficult to imagine the damage entertainment content could do.

Thus, this and all the reasons previously discussed in the prior Amendments/Responses, the rejection of claims 1-9 should be withdrawn.

Therefore, it is respectfully submitted that all of the claims recite patentable subject matter and are in condition for allowance. Accordingly, favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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